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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,306	06/21/2001	Ponani Gopalakrishnan	8728-505 (YOR9-2001-0231U)	5598
46069	7590	03/21/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,306	Applicant(s) GOPALAKRISHNAN ET AL.	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1, 5-7, 9, 10, 13-15, 17, 22-24, 26 and 31-33.

Claim 8 has been cancelled.

Claims 1-7 and 9-34 are pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 9, 17 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4, 6, 7, 9-12, 14-20, 22-29 and 31-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rankin et al* (USPN 6,879,838) in view of *Wieczorek et al* (USPN 6,125,278).

a. **Per claim 9, 1, 17 and 26** (differ by statutory subject matter), *Rankin et al* teach a system for intelligent caching and network management, comprising:

- data source of event and time information (col.4 line 51-col.5 line 6, col.8 lines 40-46);
- a location database including resource information about network services, application services, devices, hardware resources and software resources that are available for the user at one or more locations (r: col.2 lines 17-52, col.4 line 3-col.5 line 30, col.6 lines 15-27, col.6 line 48-col.7 line 54; provisions for a location resource server and a location determination element for storing data pertaining to the resources available to the user at selected locations);

Rankin et al teach location prediction features in order to provide preloaded location database maps based on the time, event and resource tracking information along with the movement behavior of the user's mobile device (col.6 lines 19-27, col.7 line 55-col.8 line 46). Yet, *Rankin et al* fail to explicitly teach data source representing a user's schedule and a predictor to predict a location of the user and additional resources needed by the user at the predicted location such that the additional resources are transferred to the user at the predicted location when and where the additional resources are needed.

However, *Wieczorek et al* teach predicting the future location of the user and allocating communication resources in anticipation of the expected resources need by the user at the predicted location and location history including the time and location information so that communication resources are allocated to support the user at that location (Figure 5, col.3 lines 1-10, col.3 line 32-col.4 line 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Rankin et al* and *Wieczorek et al* for the purpose of predicting the resources needed by the user in the predicted future location and allocating those resources at the predicted future location, because it provides the user with an efficient expedited content delivery system; wherein the user doesn't have to experience service delays because resources are reserved in advance according to their needs.

b. **Per claims 2, 10, 18 and 27**, *Rankin et al* and *Wieczorek et al* teach the system as recited in claim 1, *Rankin et al* further teach wherein the settings include a user preference profile which includes user preferences employed by the predictor to predict a location of the user and resources needed at the location (col.4 line 51-col.5 line 26, col.8 lines 40-46).

c. **Per claims 3, 11, 19 and 28**, *Rankin et al* teach the system as recited in claim 2, wherein the user preferences are determined by past occurrences of user activities (col.4 line 51-col.5 line 26, col.8 lines 35-46; *Wieczorek et al*: col.3 lines 59-64).

d. **Per claims 4, 12, 20 and 29**, *Rankin et al* teach the system as recited in claim 2, wherein the user preference profile includes manually entered data (col.4 lines 51-56).

e. **Per claims 6, 14, 22 and 31**, *Rankin et al* and *Wieczorek et al* teach the system as recited in claim 1, *Rankin et al* further teach wherein the devices available include a mobile

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communication device, a stationary communication device or a computer (col.3 line 61-col.4 line 37; *Wieczorek et al.*: col.2 lines 37-54).

f. **Per claims 7, 15, 23 and 32**, *Rankin et al* and *Wieczorek et al* teach the system as recited in claim 1, *Rankin et al* wherein the resources include a file, an application or data (col.5 lines 2-26, col.6 line 15-col.7 line 5; *Wieczorek et al.*: col.4 line 34-col.5 line 14).

g. **Per claim 16**, *Rankin et al* and *Wieczorek et al* teach the system as recited in claim 9, *Wieczorek et al* further teach the system further comprising a universal messaging system coupled to the predictor, the universal messaging system being configured to provide message services in accordance with the needs of the user predicted by the predictor (Figure 5, col.3 lines 1-10, col.3 line 32-col.4 line 65).

h. **Per claims 24 and 33**, *Rankin et al* and *Wieczorek et al* teach the method as recited in claim 17, *Wieczorek et al* further teach the method further comprising the step of transferring the additional resources to the user at the predicted location when and where the additional resources are needed (Figure 5, col.3 lines 1-10, col.3 line 32-col.5 line 14).

i. **Per claims 25 and 34**, *Rankin et al* and *Wieczorek et al* teach the method as recited in claim 24, *Rankin et al* further teach the method wherein the step of transferring the resources to the user includes blocking unwanted messages to the user (col.4 line 66-col.5 line 11).

4. **Claims 5, 13, 21 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rankin et al* (USPN 6,879,838) and *Wieczorek et al* (USPN 6,125,278) in view of *Takagi et al* (USPN 6,243,755).

Per claims 5, 13, 21 and 30, *Rankin et al* and *Wieczorek et al* teach the system, method and program storage device of claims 1, 9, 17 and 26 as applied above. *Rankin et al* and *Wieczorek et al* both teach location prediction systems based on the time, event and location behavior of the user's mobile device (*Rankin et al*: col.4 line 51-col.5 line 6, col.8 lines 40-46; *Wieczorek et al*: col.4 lines 10-17). Yet *Rankin et al* and *Wieczorek et al* fail to explicitly teach wherein the contextual information includes a user itinerary. However, *Takagi et al* teach the system as recited in claim 1, wherein the contextual information includes a user itinerary (col.8 lines 49-65 and col.12 line 29-col.13 line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Rankin et al* with *Wieczorek et al* and *Takagi et al* for the purpose of providing a mobile user's necessary resources at the predicted future location indicated in the user's itinerary. This allows for the pre-caching and reservation of the resources so that the user will not have to wait on or request them once in the predicted location.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bahl et al (6,385,454), Lumelsky et al (6,463,454), Smith et al (6,742,033).

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
PATENT EXAMINER